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Security Council

Fifty-ninth year

Provisional

5094th meeting

Tuesday, 7 December 2004, 10 a.m.

New York

President:	Mr. Baali	(Algeria)
Members:	Angola	Mr. Gaspar Martins
	Benin	Mr. Zinsou
	Brazil	Mr. Valle
	Chile	Mr. Andereya
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Mahmood
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	Spain	Mr. Colomina
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947)

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04-63689 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947)

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Security Council have before them the report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004) and paragraph 17 of Security Council resolution 1574 (2004) (S/2004/947).

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs. I now give him the floor.

Mr. Prendergast: As you mentioned, Mr. President, Council members have before them a report of the Secretary-General (S/2004/947) pursuant to the resolutions that you cited. Despite some earlier gains, November was characterized by violence and a marked deterioration in the security situation. Immediately after the signing of the Humanitarian and Security Protocols in Abuja on 9 November, Darfur experienced relative calm. However, this calm was short-lived, with the security situation rapidly worsening towards the end of the month. Ceasefire violations took place on both sides. Increased clashes took place between Government forces and the Sudan Liberation Movement/Army (SLM/A), with the recent fighting in Tawilla, North Darfur, on 22 November, as the most glaring example of this.

The SLA is thought to be responsible for instigating much of the violence, although it has denied this. The Government's use of aerial bombing in retaliation, if confirmed, would also be in breach of the Protocols. On 24 November, at a meeting of the Joint Implementation Mechanism, jointly chaired by the Special Representative of the Secretary-General for the Sudan and the Sudanese Foreign Minister, the Government denied using aerial bombardment and stated that it would carry out its own investigation into the allegations, in parallel with the African Union (AU).

At a subsequent meeting of the Joint Implementation Mechanism, held on 5 December, the Sudanese Foreign Minister continued to deny the reports, despite African Union statements that they had evidence of the use of aerial bombardment. The Minister said he would not accept any statements until a final report had been issued by the African Union, maintaining that the Sudanese army Chief of Staff would be asked to carry out a separate investigation.

In addition to the fighting in Tawilla, on 1 December an African Union military observer from Chad sustained minor injuries when he was shot during an investigation mission in Adwah village, north of Nyala, in South Darfur. The shooting of the observer represents the first time an African Union soldier has been wounded in Darfur. He was part of a team that had traveled to the area to verify allegations of fighting between the armed militia and the SLA. The African Union team was forced to withdraw from Adwah following the incident. However, prior to the attack, the team, while flying overhead, had spotted around 100 dead people killed by the fighting.

The Chairperson of the African Union Commission, Alpha Konaré, issued a strongly worded statement unreservedly condemning the incident. Mr. Konaré stated that shooting at monitors not only endangered the lives of members of the African Mission in Sudan (AMIS), but could make potential troop contributors reluctant to send troops to the Sudan. He warned that the series of violent incidents that had occurred in Darfur, if not brought to an immediate end, risked undermining the Sudanese peace process. Heavy fighting continues in Adwah even up to today.

Other incidents of violence took place in the Darfur region throughout November. Banditry and looting increased in North Darfur at the beginning of the month, especially on the major roads. On 2, 3 and 26 November in West Darfur, one of the two new rebel movements, the National Movement for Reform and Development (NMRD), reportedly attacked four villages around the Kulbus area, where tensions remain high. Cross-border operations by elements of the Chadian army in support of the NMRD were reported on 19 and 21 November. El Geneina, Jebel Marra, Tawilla and Rokiro are also reportedly tense, signifying the simultaneous development of so-called hot spots in many areas of Darfur. The Jebel Moon area, in North Darfur, is also tense, with the reported presence of all three rebel groups — the SLA, the Justice and Equality Movement (JEM) and NMRD — as well as Government forces and armed tribesmen.

Increased activity by the Janjaweed and other pro-Government militias, leading to clashes with the SLA, has been reported. The latest clashes, which threaten to plunge Darfur into chaos, are of great concern. Both the militias and the SLA have grievances that lead them to trigger the fighting: the militias have been subject to camel-raiding and hostage-taking by the rebels, while the SLA feels justified in carrying out retaliatory attacks for past violence perpetrated by the Janjaweed against civilians.

A clear message needs to be sent to the SLA to stop military actions, at least some of which appear to be deliberately intended to provoke the Government into retaliation. Following the signing of the Protocols, any attacks by the rebels, including those intended to settle old scores pre-dating the Protocols, are in violation of the ceasefire agreement. Further, the armed militias should not be allowed to take the law into their own hands by responding in kind to violence instigated by the SLA.

The militias have become a destabilizing factor, posing a dilemma for existing mechanisms intended to deal with ceasefire violations. They are not included in any of the political negotiations; nor are they signatories to the ceasefire agreement.

The international community must send an unequivocal message to all Sudanese parties that, particularly after the signing of the Abuja Protocols, violence and hostile military actions are not an acceptable means to achieve political gains. Equal pressure must be exerted on all sides to abide by their commitments.

Regrettably, the Government has made no progress in disarming the Janjaweed. The African Union Ceasefire Commission (AUCFC) has confirmed that, to date, it has not been invited to verify any disarmament activities by the Government. Nor has there been any evidence of the Government apprehending and bringing to justice Janjaweed leaders for their past crimes, which was a central demand of the Security Council in its resolution 1556 (2004). Moreover, the AUCFC has indicated that the Government has made no effort to stop recent retaliatory attacks by the Janjaweed. Indeed, unconfirmed reports continue to circulate that the armed militias are still receiving weapons from some quarters in Khartoum.

During a meeting of the Joint Ceasefire Commission in N'Djamena on 25 November, the African Union asked the Government to provide it with the plan and timetable for the disarmament of the Janjaweed and other militias, and asked the SLM/A and the JEM to give details of the exact locations of their troops within the next few weeks. Failure to do so, the African Union stated, would oblige it to report the matter to the AU's Peace and Security Council, as well as to the members of the Security Council.

It is encouraging to note the robust approach taken by the African Union to get the parties to comply with their commitments. The enhanced African Mission in Sudan — which so far has only 800 troops and just over 100 military observers in Darfur — is to be commended for its proactive and positive role there, under increasingly challenging circumstances and with limited resources. In addition to its monitoring task, AMIS has undertaken mediating roles to prevent conflicts and reduce tensions in incidents of hostage-taking and cattle-looting. AMIS has carried out that monumental undertaking with considerable aplomb, in spite of the fact that it is not yet operating at full capacity in Darfur.

Meanwhile, the Government's inaction regarding the disarmament of the militia underscores the need to strengthen AMIS's capacity even further. The African Union should be commended for what it has managed to achieve with relatively few troops on the ground. But it would undoubtedly be able to do even more with increased capacity, including by acting as mediator and

by protecting civilians through its presence. As the only monitoring mechanism present in Darfur, AMIS will continue to play a critical role in establishing a secure environment. The international community must provide all necessary support to enable it to do so.

Logistical limitations remain a problem for AMIS. Shortages of communications equipment, ground transport, fixed-wing aircraft, aviation fuel and medical capabilities continue to constrain its activities on the ground. Here too, continuous international support is required.

During the period under review, the percentage of vulnerable persons accessible in Darfur fell from about 90 to 80 per cent because of increased insecurity and the onset of the rainy season. In North Darfur, where tens of thousands were cut off from relief, the percentage fell to 67 per cent. Both the SLM/A and, to a lesser extent, the Government bear responsibility for the recent decrease in access. In Tawilla, fighting led to the suspension of humanitarian activities for about a week, resulting in aid being cut off to about 30,000 internally displaced persons.

The humanitarian situation remains dire. As of 1 November, the number of conflict-affected persons had risen to close to 2.3 million. The United Nations and its partners have estimated requirements of approximately $1.5 billion for the Sudan for 2005, of which $620 million will be dedicated to Darfur, with the rest covering southern and eastern Sudan.

Despite the escalation of violence in Darfur, progress was nevertheless made in the negotiations in Abuja. The signing of the two Protocols on 9 November is a case in point. It is encouraging to note the ability of the Government, the SLM/A and the JEM to overcome their differences and reach agreement. At the next round of the Abuja talks — due to resume on 10 December — the parties are expected to discuss the Declaration of Principles, which forms the basis of political objectives and institutions in Darfur.

I am glad to report that the north-south talks continue to provide some room for optimism. Following the pledge in Nairobi by the Government and the Sudan People's Liberation Movement/Army (SPLM/A) to conclude a final peace agreement by 31 December, technical-level discussions resumed on 26 November. Yesterday, 6 December, high-level talks between Vice-President Taha and Chairman Garang restarted in Naivasha in what is hoped will be the final round of talks. Yesterday and today, Special Representative Pronk was in Naivasha, where he met the principals.

As the Secretary-General informed the Council in Nairobi, the conclusion of a comprehensive peace agreement in Naivasha would have far-reaching consequences for the Sudan, providing its leaders with a historic opportunity to reverse the country's ills. Such an agreement could provide a basis on which to address the demands of other marginalized regions of the Sudan, including Darfur.

The Secretary-General remains concerned that some elements on both sides of the north-south negotiations could see an interest in undermining the chances of concluding a comprehensive peace agreement. He calls on the leaders of the parties to redouble their efforts to conclude an agreement by the agreed deadline. Once a comprehensive peace agreement is signed, the Secretary-General will report to the Council and present his recommendations regarding the size, structure and mandate of a full mission to replace the present advance mission, as specified in Security Council resolution 1574 (2004).

The President (*spoke in Arabic*): I thank Mr. Prendergast for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I should like to invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.30 a.m.